

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

IN RE: WILLIAM STEVEN STANAITIS)	
PENNY MIFFLIN STANAITIS)	CHAPTER 13
<u>Debtor(s)</u>)	
)	CASE NO. 23-12187-PMM
HYUNDAI CAPITAL AMERICA dba)	
HYUNDAI MOTOR FINANCE)	11 U.S.C. 362
<u>Moving Party</u>)	
)	11 U.S.C. 1301
v.)	
)	
WILLIAM STEVEN STANAITIS)	HEARING DATE: <u>5-8-24 at 1:00 PM</u>
PENNY MIFFLIN STANAITIS)	
HUNTER J STANAITIS)	
<u>Respondent(s)</u>)	
)	
KENNETH E. WEST		
<u>Trustee</u>		

MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now Hyundai Capital America dba Hyundai Motor Finance (“Hyundai”) filing this its Motion For Relief From The Automatic Stay And Co-Debtor Stay (“Motion”), and in support thereof, would respectfully show:

1. That on July 24, 2023, William and Penny Stanaitis filed a voluntary petition under Chapter 13 of the Bankruptcy Code.
2. This Court has jurisdiction of the Motion by virtue of 11 U.S.C. 105, 361 and 362 and 28 U.S.C. 157 and 1334.
3. On September 17, 2022, the Debtor(s) and co-debtor Hunter J. Sanaitis entered into a retail installment contract for the purchase of a 2022 Hyundai Venue bearing vehicle identification number KMHRB8A36NU202037. The contract was assigned to Hyundai Capital America and the Debtors became indebted to Hyundai in accordance with the terms of same. Hyundai Capital America is the owner of the vehicle. A true copy of the contract and title of inquiry to the vehicle are annexed hereto as exhibits A and B.

4. The Debtors' account is past due from June 21, 2023 to March 21, 2024 with arrears in the amount of \$4,899.18.

5. As of April 11, 2024, the Debtors' account with Hyundai had a net loan balance of \$25,037.17.

6. According to the March 2024 NADA Official Used Car Guide, the vehicle has a current retail value of \$22,000.00.

7. Hyundai Capital America dba Hyundai Motor Finance alleges that the automatic stay and co-debtor stay should be lifted for cause under 11 U.S.C. 362(d)(1) and 11 U.S.C. 1301 in that Hyundai Capital America lacks adequate protection of its interest in the vehicle as evidenced by the following:

(a) The Debtors are failing to make payments to Hyundai Capital America and are failing to provide Hyundai Capital America with adequate protection.

WHEREFORE PREMISES CONSIDERED, Hyundai Capital America dba Hyundai Motor Finance respectfully requests that upon final hearing of this Motion, (1) the automatic stay be terminated as to Hyundai to permit Hyundai to seek its statutory and other available remedies; (2) that the co-debtor stay be terminated as to Hyundai to permit Hyundai to seek its statutory and other available remedies; (3) that the stay and co-debtor stay terminate upon entry of this Order pursuant to the authority granted by Fed.R.Bank.P., Rule 4001(a)(3) and (4) Hyundai be granted such other and further relief as is just.

Respectfully submitted,

/s/ William E. Craig
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